



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 02869-25 P.M.

AGENCY DKT. NO. C250616007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that she is not presently homeless or imminently homeless and therefore, no emergency presently exists. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2025, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 14, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination to deny EA benefits, but reversing the Agency's determination to impose a six-month EA ineligibility period for EA benefits.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure, or loss of prior permanent housing. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid. Additionally, EA shall not be provided for a period of six months when an applicant has caused his or her, without good cause. See N.J.A.C. 10:90-6.1(c)(3).

The record reflects that Petitioner was evicted from her apartment on December 16, 2024, and subsequently moved in with her son and applied for EA benefits on January 9, 2025. See Initial Decision at 2. Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, who separated from her job during January 2024, and was receiving unemployment assistance weekly until the end of August 2024. Ibid. Petitioner failed to use any of her unemployment benefits to pay her outstanding rent, which resulted in a total of \$11,661.92 in past due rent and her eviction from her apartment. Ibid. Based on the testimonial and documentary evidence presented, the ALJ concluded that Petitioner was ineligible for EA benefits on the basis that she is not currently homeless or imminently homeless. See Initial Decision at 3. Specifically, the ALJ's conclusion was based on the fact that there is no present imminent threat of eviction from her son's home. Ibid. Based on foregoing, the ALJ concluded that Agency's decision to deny Petitioner EA benefits was proper and must stand. Ibid.; see also N.J.A.C. 10:90-6.1(c) and Exhibit R-1. Based on an independent review of



the record, I agree. The ALJ further found that, based on Petitioner's particular circumstances and the facts presented that, should the necessity arise for Petitioner to reapply for EA benefits, no six-month EA ineligibility penalty would be warranted. Ibid. Based on an independent review off the record, I also agree.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and Agency's determination is MODIFIED, as outlined above.

Officially approved final version. February 25, 2025

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Natasha Johnson  
Assistant Commissioner

